

EXHIBIT L

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

NATIONAL EDUCATION
ASSOCIATION;

et. al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION;

et al.,

Defendants.

Case No.: 1:25-cv-00091

**DECLARATION OF MEMBER D IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

**DECLARATION OF MEMBER D IN SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Member D, hereby declare that

1. My name is Member D. I am over the age of 18 years. I have personal knowledge of the following facts and if called to testify could and would competently do so.
2. I currently serve as an Assistant Professor without tenure at a university in the southwest United States, which receives federal funding.
3. I am a member of the National Education Association.

4. I received a BA and MA in English, and I am a Ph.D Candidate in Composition and Applied Linguistics.
5. I have 14 years of professional experience in higher education, including teaching at several community colleges and universities. I joined my current university in 2024.
6. My coursework and research center on Indigenous research and narrative inquiry, the latter of which is a research method that involves discussing how researchers and others think narratively about their life experiences of learning at the intersection of Indigenous and Western knowledge frameworks. I teach courses in first and second year composition. My teaching has included the topics of settlerism and colonialism. I also taught La Llorona and spoke about it as a metaphor for Maliche, Mexican colonialism, feminist power and representation. I also have a course that won a teaching award from my graduate school about Indigenous identity, activism, and storytelling.
7. I am aware that the U.S. Department of Education issued a Dear Colleague letter on February 14, 2025, which threatens investigation and enforcement of civil rights laws based on teaching and scholarship related to diversity, equity and inclusion.
8. Since February 14, 2025, I have self-censored some topics in the courses I teach, including feminist theory and Indigenous worldviews.
9. I continue to fear that teaching content related to race, diversity, equity and inclusion will have negative impacts on my career and limit conversations in class thus impede student growth and understanding of alternative perspectives.
10. I am worried that a student in my classes, or anyone who might hear about my classes or my scholarship might report me for violating the Dear Colleague Letter's prohibitions on DEI programming. For example, my teaching and scholarship focuses on Indigenous

narratives and identity. I believe that all students can learn and engage in this subject matter and I have students from many backgrounds in my courses. However, I worry that someone could view this as an impermissible preference for a certain racial group. I teach about topics of colonialism and settlerism where white European settlers oppressed Native peoples. I worry that students could perceive this to teach that “certain racial groups bear unique moral burdens,” or draw this conclusion on their own behalf.

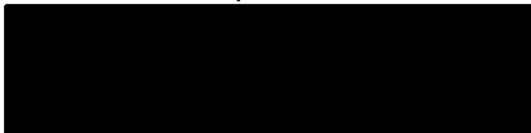
11. Teaching about this history, we also discuss how certain government systems and structures were used to advance racism against Indigenous people and cultures. I worry that this could be construed as impermissibly teaching about systemic or structural racism.
12. Students in my courses often bring into their written assignments and classroom discussions their own personal experiences with race, diversity, equity, or inclusion. Under the Dear Colleague Letter’s prohibitions, I am not sure whether I should continue encouraging my students to engage with the material in my class through written assignments that invite this discussion or can give credit to student assignments that address their own experiences and viewpoints related to race, diversity, equity and inclusion. I am not sure how I can respond to questions or classroom discussions that touch on these issues.
13. For these reasons, I have been chilled in my speech on a topic of critical importance and changed my courses and altered my research pursuits to the detriment of me and my students.
14. My students no longer have the chance to learn about certain aspects of diversity, equity and inclusion or hear their classmates’ viewpoints, to understand the sheer breadth of possible arguments related to diversity, equity and inclusion, and to learn to respectfully debate this subject with their peers. My syllabus states that a peaceful world begins with

positive personal interactions. I am committed to hearing all my students' voices. I am concerned that this commitment will become illegal. I am worried that I will need to substantially revise my syllabus, course materials, and approaches to teaching, which will take significant time and resources.

15. The Dear Colleague letter has impacted me outside the classroom as well, including my research focusing on the Mescalero Apache through a TribalCrit, narrative inquiry and feminist lens. I worry that someone will file a complaint against me and that I could face investigation and my school risk the loss of federal funds, based on an allegation that my teaching constitutes "indoctrination" related to systemic or structural racism. I am worried that I may not be able to continue this scholarship, or that if I do, I will lose opportunities for advancement within my university and my field.
16. The Dear Colleague letter and the Department of Education's related guidance should not be permitted to stifle my academic speech related to diversity, equity and inclusion. As long as the letter is effective, I will be unable to fully perform my role as an educator and speak freely on these important topics.
17. I am submitting this declaration anonymously because I fear retaliation from my employer as well as harassment and threats from members of the public for challenging the policies of the Trump administration restricting teaching and discussion that deals with issues of race and gender.

I declare under penalty of perjury that the above is true and correct.

Executed this 14 day of March, 2025.

A large black rectangular redaction box covering the signature area.

